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# **BLASPHEMY IN BRITAIN**

**The practice and punishment  
of blasphemy,  
and the trial of *Gay News***

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# Committee Against Blasphemy Law

THE Committee Against Blasphemy Law, which was formed in August 1977 after the *Gay News* trial of July 1977, follows similar organisations which existed from the 1880s to the 1950s in aiming to abolish or at least to reform the law of blasphemy.

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The conviction of the editor and publisher of *Gay News* for printing James Kirkup's poem "The Love That Dares To Speak Its Name" marks the first successful prosecution for blasphemy in this country for more than half a century. It shows that the blasphemy law is not (as most people have always assumed) either an ultimate safeguard whose retention is necessary for extreme cases, or a dead letter whose repeal is unnecessary because it is obsolete, but (as freethinkers have always argued) a living threat to freedom of expression in religious matters.

The various statutes restricting objectionable material about religion have virtually never been used, and have virtually all been repealed by the Criminal Law Act of 1967 and the Statute Law (Repeals) Act of 1969. What was almost always used in the past, and what has now been used again in the *Gay News* case, is the common law of blasphemy and blasphemous libel (written blasphemy), which was developed by judges between 1676 and 1922 and which was normally used to persecute propaganda against the doctrines and scriptures of the Church of England.

This law is unsatisfactory because it is unpredictable and unrestricted. Blasphemy has never been defined by Parliament, and it has been interpreted in widely different ways by various judges and juries to cover anything from the mere denial of Christianity to funny or frank material found offensive by sympathisers with Christianity. It is impossible to know in advance what material may be found blasphemous, and almost any controversial material concerning religion could be found blasphemous. The main effect of the law is to inhibit free expression about religion in a way which is elsewhere thought to be completely unacceptable.

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There are four ways to deal with the blasphemy law—leave it as it is; extend it; restrict it; or abolish it.

(1) If the blasphemy law continues as it is, it will remain unpredictable

and unrestricted, and it may well be used again against sincere controversy or serious art. The one thing which is clear from the *Gay News* case is that the present law is unsatisfactory and must be changed.

(2) If the blasphemy law continues to exist, there will be pressure to extend it to protect not just the Anglican form of Christianity but all forms of Christianity, and even all forms of religion. It is already being argued that recent legislation against racial discrimination should be followed by legislation against religious discrimination, which would put the blasphemy law at the disposal of the increasing number of religious denominations in this country—whether old (Jews, Muslims, Hindus, Buddhists, etc) or new (Mormons, Christian Scientists, Scientologists, Unification Church, etc). At present, Christianity enjoys intellectual as well as financial and educational privilege from the law, and such a move would extend this privilege to all religions. The blasphemy law, which has previously been used by Christian fanatics to enforce their beliefs on others, would encourage fanatics of any religions to enforce their beliefs on anyone else. The result would be to increase rather than decrease division between the various sections of the community, and a safer solution would be to recognise the pluralist nature of our society and to make the law of blasphemy weaker rather than stronger.

(3) If the blasphemy law is to continue to exist, and especially if it is extended to apply to all religions, it should at least be restricted as—for example—the obscenity law has been. A new Blasphemy Act could make reforms like those in the Obscene Publications Act of 1959: establish a single definition of blasphemy; prevent proceedings under common law; ensure that an item must be considered as a whole, and according to the circumstances of publication and the likely audience; include the defence of public good, on the ground that material is in the interests of science, literature, art, learning, or other objects of general concern, and admit expert evidence about such factors. It could also make further reforms: include the intention of a speaker, author or publisher; demand proof of some more tangible effect than mere shock or disgust; exclude prosecutions unless they are approved by the Director of Public Prosecu-

tions or the Attorney-General. But the operation of the reformed obscenity law has not been very satisfactory, and the safest solution would be to abolish the offence of blasphemy altogether.

(4) If the blasphemy law were abolished, objectionable material about religion could still be prosecuted for being "defamatory", "seditious", "obscene", "indecent", "profane" or racist, or for tending to cause a breach of the peace. The point is that material should be restricted only if it involves a genuine threat of private damage or public disorder, and the abolition of the blasphemy law would simply allow the same freedom of expression in religious matters as is taken for granted in all other areas.

This step could be taken by a short Bill preventing future prosecutions for blasphemy or blasphemous libel at common law. Several private members' Bills of this kind were introduced into the House of Commons during the half-century following the prosecutions of the 1880s. Only one was ever given a second reading, in 1930, and it was later killed by a Government amendment which would have extended the law to protect all religions. The Criminal Law Revision Committee considered this branch of the law a decade ago, but did not venture into the common law. After more than three centuries of legal discrimination, after more than a century of campaigning by freethinkers and progressive Christians, after the repeal of the statute law, and after the *Gay News* case, the time has surely come for such a Bill to be introduced into Parliament and for the law of blasphemy to be swept into oblivion at last.

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Sympathisers with this aim are invited to raise the issue in their political parties and religious or non-religious organisations, to write to local papers and personalities, to put pressure on members of both Houses of Parliament, and to support our work.

Contributions may be sent to the Committee Against Blasphemy Law, c/o William McIlroy, 32 Over Street, Brighton BN1 4EE. Information may be obtained from or sent to William McIlroy, or Nicolas Walter, Rationalist Press Association, 88 Islington High Street, London N1 8EW.

# Blasphemy yesterday and today

*The prosecution of "Gay News" for publishing James Kirkup's poem "The Love That Dares To Speak Its Name" has revived the common law of blasphemy, which had not been successfully used for more than half a century and which had been generally thought of as obsolete. Here is an account of the previous history of blasphemy in this country, followed by an account of the trial of "Gay News" in July 1977.*

BLASPHEMY is an essential element of the Judaeo-Christian religion because of the very nature of that religion. Jewish monotheism developed not only as a constructive affirmation of a Jewish tribal god but also as a destructive negation of non-Jewish tribal gods, and it displayed great sensitivity both about dissent from its own god and about assent to any other god. Indeed the Jewish god was seen as being so sacred that it was blasphemous not only to deny his uniqueness but even to say or write his name. Any such offence—along with a great many others—was theoretically punished by death in the Law attributed to Moses and asserted as the basis of Judaism. (Blasphemy is specifically included in Leviticus xxiv.)

Yet Judaism involves the theoretical impossibility of avoiding blasphemy. If everything comes from God, evil comes from God—whether the perfect evil of Satan, or the imperfect evil of man—and the description or denunciation of evil always verges on blasphemy. Moreover the Jewish Bible includes plenty of practical blasphemies—the Fall, when God punished man whom he had created for disobeying an absurd command; the Flood, when God destroyed almost all living things which he had created because he turned against them; the Exodus, when God persecuted the Egyptians and ordered the Israelites to persecute the Canaanites; the terrible order to kill all Midianite males and married females and take the rest as slaves (Numbers xxxi); the terrible order to kill all the Amalekites, with the punishment of Saul for sparing their king (1 Samuel xv); and so on.

From time to time the Jewish Bible itself seems to recognise the blasphemous image of god it has created, as when God is himself described as saying:

Jehovah, the Lord, a god compassionate and gracious, long-suffering, ever constant and true, maintaining constancy to thousands, forgiving iniquity, rebellion and sin, and not sweeping the guilty clean away—but one who punishes sons and grandsons to the third and fourth generation for the iniquity of their fathers (Exodus xxxiv).

Somehow the crazy contradictions are accepted and absorbed into a coherent national religion which has survived for three thousand years. Even so, there remain passages in the Bible which are so extreme as to go beyond the bounds of sanity. In the psychopathic ravings of some prophets God is described as threatening to rub shit on the faces of irreligious priests (Malachi ii) and as ordering a prophet to bake bread with human shit (Ezekiel iv)—though the latter is allowed on protest to use cowshit instead (if he had been a Hindu, the process would presumably have been reversed).

The book of Ezekiel contains perhaps the most amazing of such passages, in which Israel and Judah are described as whores fornicating with Egypt, Assyria and Babylonia (Ezekiel xxiii), or Jerusalem is described as an abandoned girl married by God but fornicating with others (Ezekiel xvi). It is God himself who speaks in these passages, and he describes his own sexual participation in first-person narrative in such detail that it is easy to understand why the unexpurgated Bible has been feared by

ecclesiastical authorities. It would be hard for an anti-biblical writer to match the blasphemous obscenity of the biblical writer at these points.

There is also the puzzle of the Song of Songs, which seems obviously to be an erotic drama or series of poems but which was seriously attributed to Solomon and somehow included in the Bible. The Jewish rabbis solved the puzzle by suggesting the allegorical interpretation that the book is a metaphorical expression of the love of God for Israel, a parable which is at the same time poetically beautiful and sexually explicit. (Consider Song v, 4, where the literal translation is: "My beloved put in his hand by the hole and my bowels moved within me.") Christian scholars followed this tradition, with the substitution of Christ for God and of the Church for Israel. Thus the Vulgate translation of the Bible into Latin adds a preface to this book:

This song is all mystical, very full of the incomprehensible love of Christ towards his bride, and of the bride towards the bridegroom Christ.

The Authorised Version of the Bible in English adds headnotes giving the same message in detail. Thus, Chapter v is glossed as follows:

Christ awaketh the Church with his calling. The Church having a taste of Christ's love, is sick of love. A description of Christ by his graces.

All this seems very simplistic now, and biblical critics generally agree that the book consists of erotic verse which may have been connected with fertility rites but which has no other religious connotation. Yet its presence in the Bible sanctioned the use of sexual imagery in religious writing, and its influence may be traced in mystical literature hundreds or even thousands of years later.

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If Jewish history as recorded in the Jewish Bible is largely an account of repeated struggles with various kinds of blasphemy by the Jews themselves, the Christian version of Jewish monotheism is even more closely involved with blasphemy, since it takes its origin from the trial and punishment of Jesus for that very offence. The central events of the Gospels (the Nativity and the Crucifixion) and the central doctrines of Christianity (the Incarnation and the Atonement) are profoundly blasphemous both to the Judaism which came before and to the Islam which came after it, and the figure of Christ has an ambiguous place as the source of scandal and the symbol of sanctity. (Few Christians realise that similar figures subsequently appeared outside Christianity—al Hallaj, the Sufi mystic who was executed in the tenth century for identifying himself with God; and Sabbatai Tsevi, the Cabbalist mystic who was forced to become a Muslim in the seventeenth century after claiming to be the Messiah.)

In Christianity, the theoretical impossibility of avoiding blasphemy is even more acute than in Judaism, since Jesus is meant to have come to destroy evil and save man, yet there is no evidence for such an improvement

in the world during the past two thousand years. And in the Christian New Testament there are plenty more practical blasphemies to add to those of the Old Testament—above all the new doctrine of eternal damnation, by which those who are not saved for Heaven are condemned to Hell, where they will be tortured for ever. Jesus says at the end of Mark's Gospel: "He that believeth not shall be damned" (Mark xvi, 16). And he says in Matthew's Gospel that mankind will be divided into two, the sheep and the goats, and the latter will "go from my sight to the eternal fire that is ready for the Devil and his angels" (Matthew xxv, 41).

Apart from the difficulties created by this frightful idea, there are in the New Testament, as in the Old, passages which must have embarrassed generations of devout Christians for their sexual language. Religious infidelity is again described as fornication and whoredom, and religious fidelity is described as marriage and true love. In the Gospels Jesus calls himself the bridegroom of his followers, and some of his later followers developed this theme explicitly and occasionally explosively. The Church was called the Bride as well as the Body of Christ; nuns were said to enter a "Spiritual Marriage" with Christ; and in the emotional period of the Reformation and Counter-Reformation there were many mystics, both Catholic and Protestant, who took this kind of language to remarkable lengths.

In Catholic Spain, Teresa of Avila in prose and John of the Cross in poetry described the relationship of the mystic with God as if they were sexual lovers, and the ecstasy of the mystic's union with God as if it were a sexual orgasm. (Teresa added a Freudian element with her vision of an angel with a fiery dart repeatedly piercing her heart at the moment of climax!) In Lutheran Germany, Jakob Boehme described how he was "embraced with divine love as a bridegroom embraces his bride".

This extravagant language entered English literature with the Anglo-Catholic metaphysical poets of the seventeenth century, such as Richard Crashaw and Thomas Traherne, and the great John Donne. Donne's later religious poems contain passages which echo his earlier erotic poems in more than literary technique. His sonnet about the Church, "Show me, dear Christ, thy spouse", ends as follows:

Betray, kind Husband, thy spouse to our sights,  
And let mine am'rous soul court thy mild dove,  
Who is most true and pleasing to thee then  
When she's embrac'd and open to most men.

And his sonnet to God, "Batter my heart, three-personed God", ends as follows:

Yet dearly I love you and would be lov'd fain,  
But am betroth'd unto your enemy;  
Divorce m', untie, or break that knot again,  
Take me to you, imprison me, for I  
Except y'enthrall me never shall be free,  
Nor ever chaste except you ravish me.

Such verbal imagery was not seen to be blasphemous, although similar visual imagery was a different matter. Michelangelo's use of openly sexual material in religious art was found offensive, and in a famous—or infamous—episode the more explicit details of his Sistine frescoes were painted over after his death on papal orders. Christian use of such imagery has actually been very restrained in comparison with the high level of eroticism reached by Tantric writers and artists in Hinduism and Buddhism and by Sufi writers in Islam, for whom the idiom of the Song of Songs would seem a normal element of religion rather than an abnormal embarrassment.

Such imagery has generally been seen to be blasphemous only when it has clearly been used to attack religion. A good example is Thomas Potter's *Essay on*

*Woman*, a parody of Alexander Pope's *Essay on Man* which was published by the radical politician John Wilkes in 1763. Pope had written:

O blindness to the future! kindly given,  
That each may fill the circle marked by heaven:  
Who sees with equal eye, as God of all,  
A hero perish, or a sparrow fall;  
Atoms or systems into ruin hurled,  
And now a bubble burst, and now a world.

This was parodied as follows:

O blindness to the future! kindly given,  
That each may enjoy what fucks are marked by Heaven:  
Who sees with equal eye, as God of all,  
The man just mounting, and the virgin's fall;  
Prick, cunt, and ballocks in convulsions hurled,  
And now a hymen burst, and now a world.

No wonder this poem was one of the items in the Government's action against Wilkes, involving his outlawry in 1763 and his fine and imprisonment in 1768.

But this case brings us to the English law of blasphemy, for which we must go back a century.

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Blasphemy was originally treated with other religious offences such as heresy by ecclesiastical courts, but during the seventeenth century, as other kinds of religious prosecution fell into disuse, blasphemy survived as the one religious crime which was taken over by the civil courts. There were several statutes covering various forms of blasphemy, but they were seldom used and had become obsolete long before they were finally repealed during the 1960s. (There is also the lesser offence of profanity, which is to blasphemy rather as indecency is to obscenity, and such statutes as the Metropolitan Police Act of 1839 and the Town Police Clauses Act of 1847 cover profane speech or publication in public places.) The crime of blasphemy is almost entirely a common law offence, developed by judges in a series of cases going back to 1676.

That was the case of John Taylor, who seems to have been mentally unbalanced and who was prosecuted for such remarks as "Religion is a cheat and profession is a cloak", "I neither fear God, Devil nor man", "I am a younger brother to Christ, an angel of God", "Christ is a bastard", "Christ is a whoremaster", "God damn and confound all gods". Taylor was fined, imprisoned and pilloried; but the case was significant because the Lord Chief Justice, Matthew Hale, declared that blasphemy is "not only an offence to God and religion, but a crime against the laws, state and government", and that "Christianity is a parcel of the laws of England".

The last victims who died under the old heresy law in England were burnt in 1611 (though a boy of eighteen was hanged in Scotland as late as 1697). James Nayler escaped with his life in 1656, though he was cruelly punished. The last attempt at a heresy prosecution seems to have been the threat against Thomas Hobbes for his *Leviathan* in 1666, and in 1677 the crime of heresy was at last abolished (with some exceptions). But Hale's judgement in Taylor's case replaced it to the extent that blasphemy was the normal charge against such latter-day Christian heretics of the late seventeenth century as Quakers and Muggletonians and then against the successors of the Christian heretics—the various free-thinkers who came forward during the next three centuries—and for two centuries Hale's absurd dictum that Christianity is the law of the land was used as the basis for such prosecutions.

There have been several hundred cases during this time, but there is space only to mention a few. In 1728 the deist Thomas Woolston was prosecuted for his *Six Discourses on the Miracles*, in which he denied the

miracles of the New Testament, and was imprisoned until he died in 1733. In 1763 the deist Peter Annet was prosecuted for his magazine *The Free Inquirer*, in which he denied the inspiration of the Pentateuch, and was imprisoned and pilloried at the advanced age of seventy. Other deists of that period, such as John Toland and Matthew Tindal, were threatened but avoided actual prosecution, while such freethinkers as Lord Bolingbroke and Lord Shaftesbury, Edward Gibbon and David Hume, escaped even threats. A century later, the opinions for which Woolston and Annet were punished were taken for granted by intelligent people, including many Christians, and were published with impunity.

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A new wave of blasphemy prosecutions began at the time of the French Revolution, being directed above all at Thomas Paine's book, *The Age of Reason*. Paine himself was not affected, since he never returned to Britain after being prosecuted for *Rights of Man* in 1792; the victims were the publishers and booksellers who circulated his deist masterpiece. In 1796 a cheap edition was published by the radical leader Francis Place together with the bookseller Thomas Williams; it was so successful that Williams then produced another edition on his own, for which he was prosecuted in 1797 by the Proclamation Society (the first of the puritan organisations formed by William Wilberforce) and imprisoned for a year. In 1812 the so-called Third Part of *The Age of Reason* was published by Daniel Eaton, for which he was imprisoned for eighteen months and pilloried (being applauded rather than assaulted by the public).

In 1817 the bookseller and publisher William Hone was prosecuted for publishing political parodies of Anglican prayers and services. He suffered three trials on three successive days, and was found not guilty each time. Many other people had been imprisoned for repeating Hone's offence, and they all had to be released. One of them was the bookseller and publisher Richard Carlile, who became the bravest protagonist in the struggle for a free press. In 1818 Carlile republished *The Age of Reason*, with the Third Part and other additions, and in 1819 he was prosecuted by the Society for the Suppression of Vice (the successor to the Proclamation Society).

When Carlile was tried in October 1819, he read out *The Age of Reason*, and was therefore able to republish it again in the report of what he called *The Mock Trial of Richard Carlile*; he was not allowed to read out passages from the Bible which he said were much more objectionable, so he listed the relevant references instead. He was tried at the same time for republishing the American deist Elihu Palmer's *Principles of Nature*. Altogether he was fined £1500 and sentenced to three years' imprisonment; he refused to pay any fine, and was therefore held in prison for six years, during which time he continued to edit his magazines, to incite further blasphemies, and to inspire the first organised movement of freethinkers all over the country.

Carlile was followed into court and prison by his wife Jane and his sister Mary Ann, who both got two years, and then by a succession of several dozen shopmen and shopwomen who insisted on selling *The Age of Reason*, *Principles of Nature* and various magazines, and some of whom also produced their own *Newgate Monthly Magazine* from prison. Most of these brave people were unknown (one was unnamed, being prosecuted and imprisoned as "a man with name unknown"—only later identified as Humphrey Boyle—who drove all the women from the court by reading out the worst passages of the Bible), but some later became well known—especially James Watson, who was imprisoned for a year in 1823 and later became the leading freethought publisher of the mid-nineteenth century.

In 1825 the authorities—and the Vice Society—gave up the struggle with the Paineites. The prosecutions stopped, and Carlile was released. He immediately reprinted the offending books, and *The Age of Reason* became the most widely circulated of all freethought texts in English for more than a century. As Carlile himself said, "Thomas Paine was the first Englishman that struck an honest and well-aimed blow at the idolatry of the Christian Church"; and the survival of *The Age of Reason* through thirty years of persecution meant that from the 1820s onwards the crime of blasphemy no longer covered the mere denial of Christian doctrine but had to contain some element of abusive or outrageous language.

An immediate example of such an element came in 1820, when Robert Wedderburn, an unorthodox Unitarian preacher, was imprisoned for a blasphemous sermon; and this was followed by the cases of Robert Taylor, the eccentric preacher of an allegorical interpretation of Christianity, who was imprisoned for blasphemous sermons in 1828 and again in 1831 and who was Carlile's closest associate in his semi-Christian phase.

A more significant example came in one of the works republished by Carlile—Shelley's early poem *Queen Mab*, which had been privately published in 1813 and quickly withdrawn. Copies soon found their way into the radical movement, and Carlile printed an extract in his paper *The Republican* in 1820. In 1821 the bookseller William Clark published a pirated edition and refused to withdraw it; Shelley publicly protested and tried to get an injunction to suppress it, but privately approved and tried to get copies sent to him in Italy. Clark was prosecuted by the Vice Society, and after Shelley's death was imprisoned for four months. But *Queen Mab* quickly became the most widely circulated of all freethought poems in English, being as it were the verse equivalent of *The Age of Reason*. (This was one of several cases when objectionable works by well-known writers were pirated by radical publishers—the same fate was suffered by Southey and Byron—and the legal principle was established that there is no copyright in obscene, seditious or blasphemous material.)

*Queen Mab* had one more brush with the law of blasphemy, in curious circumstances. In 1840 Henry Hetherington, the Chartist journalist and publisher, was prosecuted—among many other things—for publishing Charles Haslam's *Letters to the Clergy of All Denominations*, a rationalist critique of Old Testament morality, and was imprisoned for four months. On the advice of Francis Place (who had published an edition of *The Age of Reason* more than forty years before), Hetherington took out a private prosecution against Edward Moxon, the publisher of the first full editions of Shelley's poems in 1839. The ironical fact was that Moxon had persuaded Shelley's widow Mary (the author of *Frankenstein*) to omit the anti-Christian passages from *Queen Mab* in the first 1839 edition, but she had persuaded him to restore them in the second 1839 edition. Despite an eloquent speech by the defence counsel, Thomas Talfourd, Hetherington secured a conviction; but he had aimed to publicise the absurdity of the law of blasphemy, not to punish the publisher of the great blasphemous poem, and there was no sentence. Talfourd had mentioned equally blasphemous writings by Shakespeare, Milton, Fielding, Richardson, Gibbon and Byron, and appealed: "Protect our noble literature from the alternative of being either corrupted or enslaved!" The message does seem to have been received, if not understood.

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Both Paine and Shelley are easily available in the late twentieth century, but it is worth quoting the passages which particularly offended the puritans in the early nineteenth century. Paine was not an atheist, as were Carlile and most of his later admirers, and the main

argument of *The Age of Reason* is that the word of God is the universe, and not the Bible, which is in fact a blasphemy against God:

Whenever we read the obscene stories, the voluptuous debaucheries, the cruel and torturous executions, the unrelenting vindictiveness, with which more than half the Bible is filled, it would be more consistent that we called it the word of a demon than the Word of God. It is a history of wickedness, that has served to corrupt and brutalise mankind; and for my own part, I sincerely detest it, as I detest everything that is cruel. . . .

Did the book, called the Bible, excel in purity of ideas and expression all the books that are now extant in the world, I would not take it for my rule of faith as being the word of God, because the possibility would nevertheless exist of my being imposed upon. But when I see throughout the greatest part of this book scarcely anything but a history of the grossest vices and a collection of the most paltry and contemptible tales, I cannot dishonour my Creator by calling it by his name. . . .

People in general know not what wickedness there is in this pretended word of God. Brought up in habits of superstition, they take it for granted that the Bible is true, and that it is good; they permit themselves not to doubt it, and they carry the ideas they form of the benevolence of the Almighty to the book which they have been taught to believe was written by his authority. Good heavens! It is quite another thing: it is a book of lies, wickedness and blasphemy—for what can be greater blasphemy than to ascribe the wickedness of man to the orders of the Almighty? . . .

As to the Christian system of faith, it appears to me as a species of atheism—a sort of religious denial of God. It professes to believe in a man rather than in God. It is as near to atheism as twilight is to darkness. It introduces between man and his Maker an opaque body, which it calls a Redeemer, as the moon introduces her opaque self between the earth and the sun, and it produces by this means a religious or an irreligious eclipse of light. It has put the whole orbit of reason into shade.

Shelley was a great admirer of Paine, and he wrote powerful attacks on the prosecutions of Eaton in 1811 (in the Letter to Lord Ellenborough) and of Carlile in 1819 (in a letter to *The Examiner*). But he was an atheist, though of an idiosyncratic kind, and *Queen Mab* contains a much more aggressive attack on Christianity than anything by Paine. Where Paine tried to rescue a good God from Christianity, Shelley said, "There is no God" (for which he was expelled from Oxford University in 1811), and in *Queen Mab* turns Christianity upside down—or right way up—and imagines instead an evil God:

The self-sufficing, the omnipotent,  
The merciful, and the avenging God!  
Who, prototype of human misrule, sits  
High in Heaven's realm, upon a golden throne  
Even like an earthly king; and whose dread work,  
Hell, gapes for ever for the unhappy slaves  
Of fate, whom He created in His sport  
To triumph in their torment when they fell!

Shelley then puts into the mouth of Ahasuerus, the Wandering Jew, a terrible account of the Judaeo-Christian religion, including the following statement by God himself:

I will beget a Son, and He shall bear  
The sins of all the world; He shall arise  
In an unnoticed corner of the earth,  
And there shall die upon a cross, and purge  
The universal crime; so that the few  
On whom My grace descends, those who are marked  
As vessels to the honour of their God,  
May credit this strange sacrifice, and save  
Their souls alive: millions shall live and die  
Who ne'er shall call upon their Saviour's name  
But, unredeemed, go to the gaping grave.  
Thousands shall deem it an old woman's tale,  
Such as the nurses frighten babes withal:  
These in a gulf of anguish and of flame  
Shall curse their reprobation endlessly,  
Yet tenfold pangs shall force them to avow,  
Even on their beds of torment where they howl,  
My honour and the justice of their doom.  
What then avail their virtuous deeds, their thoughts  
Of purity, with radiant genius bright,  
Or lit with human reason's earthly ray?

No wonder Hetherington got his verdict against Moxon!

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Back in the 1840s, however, the prosecution of Hetherington himself was the beginning of a wave of cases, prompted by the Bishop of Exeter, Henry Philpotts. Many members of the radical movement reacted to religious attacks by moderating their irreligion, but the more irreligious freethinkers reacted to this by increasing their attacks on religion. In 1841 Charles Southwell began *The Oracle of Reason*, an openly atheist weekly paper, and in 1842 he was prosecuted for several articles in it—especially an attack on the Bible in the fourth issue called "The Jew Book" (the phraseology was anti-Judaic rather than anti-semitic):

That revoltingly odious Jew production, called Bible, has been for ages the idol of all sorts of blockheads, the glory of knaves, and the disgust of wise men. It is a history of lust, sodomies, wholesale slaughtering, and horrible depravity, that the vilest parts of all other histories, collected into one monstrous book, could not parallel. Priests tell us that this concentration of abominations was written by a god; all the world believe priests, or they would rather have thought it the outpourings of some devil.

Southwell was fined £100 and imprisoned for a year. While he was in prison *The Oracle of Reason* was edited by the young G. J. Holyoake, later the main founder of the secularist movement (and the first chairman of the Rationalist Press Association). In 1842 Holyoake gave a lecture in Cheltenham on home colonisation, and in question time he was asked by a clergyman in the audience what provision should be made for God in the new colonies; he replied as follows:

As you, sir, have introduced religion into this meeting, which I have carefully avoided in my lecture, I will answer your question frankly and sincerely. . . . Home colonisation is an economic scheme, and as we can ill bear the burden of a God here, he may lie rather heavy on their hands there. Our national debt and our national taxes hang like millstones round the neck of the poor man's prosperity, saying nothing of the enormous gatherings of capitalists in addition to all this; and in the face of our misery and want we are charged twenty millions more for the worship of God. . . . I appeal to your heads and your pockets if we are not too poor to have a God. If poor men cost the state so much, they would be put like officers on half-pay. I think that while our distress lasts it would be wise to do the same thing with the Deity.

He added further irreligious remarks which might have been expected to cause greater offence—"My creed is to have no creed"; "All religion has been driven out of me"; "Religion has ever poisoned the fountain springs of morality"; "I shudder at the thought of religion, I flee the Bible as a viper, and revolt at the touch of a Christian, for their tender mercies may next fall upon my head"—but it was the phrase about putting God on half-pay which brought their tender mercies upon his head, and he was prosecuted. Carlile came to his support, and sat with him during his trial; but although—or because—he spoke in his own defence for more than nine hours, Holyoake was convicted and sentenced to six months' imprisonment. His daughter died of starvation while he was in prison, and the experience scarred his life. He repeated his remarks in Cheltenham after his release, but was not prosecuted again.

*The Oracle of Reason* continued, and the freethinkers formed an Anti-Persecution Union to resist the censorship of their publications. In 1843 Thomas Paterson was fined and imprisoned for a month for displaying profane material in London. He and Southwell then moved from London to Scotland, where the next phase of prosecutions had begun. Thomas Finlay and his son-in-law Henry Robinson were arrested for selling blasphemous and obscene literature in Edinburgh, so Southwell and Paterson provocatively sold their blasphemous literature there. Eventually Paterson was found guilty by a majority verdict and sentenced to fifteen months' imprisonment; then Finlay was sentenced to two months' and Robinson to a year's imprisonment. Southwell returned to England,

but Matilda Roalfe continued the work until she was sentenced to two months' imprisonment in 1844; and her place was immediately taken by William Baker "of the United Order of Blasphemers".

Each trial was fully reported and each martyr strongly supported, until the pressure became as irresistible as in the 1820s. Roalfe, like many women before and since, showed just as much determination as her male colleagues; she was reported as follows in her defence speech:

She did not regret what she had done, nor did believe that she should; she should have no occasion to do so, and so soon as she was at liberty she should consider it her duty to do the same thing again. . . . The question was not whether Christianity was true or false, but whether Atheists had an equal right with Christians to publish their opinions. She had only to repeat that it was her intention to pursue the same course again, so soon as she should be at liberty.

And she did.

There was similar harassment of freethought publishers and speakers elsewhere in Britain, but, although they lost every case brought against them, by the mid-1840s they had won the right to publicise their ideas by speaking or writing, and the prosecutions ceased. In 1846 Holyoake started *The Reasoner*, and the secularist movement began to emerge as a respectable form of activity—but it never forgot its roots in the bitter struggle for free speech and the free press.

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There was a strange case of blasphemy more than a decade later, in 1857, when a disturbed man called Thomas Pooley was sentenced to twenty-one months' imprisonment in Cornwall for writing incoherent abusive slogans on walls and gates. This miscarriage of justice was quickly exposed by Holyoake, and Pooley was released after five months. The case was also publicised by two respectable freethinkers, H. T. Buckle and J. S. Mill (the latter in his essay *On Liberty* in 1859), and it was long remembered.

Charles Bradlaugh, who became the leader of the secularist movement in the 1860s, was never prosecuted for blasphemy on account of anything he wrote or said, but both his meetings and his papers were frequently harassed on the grounds that he might break the law. This led to a notable battle for the freedom of the press, when the authorities gave in to a right-wing campaign against his *National Reformer*. Under the repressive press laws which had been passed from the time of Carlile to harass cheap radical publications, he was asked in May 1868 for sureties against the appearance of blasphemous or seditious material in his paper. Even if he had been willing to do so, he would not have been able to provide the large amount of money required, and he preferred to attack the authorities in the courts, meanwhile publishing the *National Reformer* with the front-page slogan, "Prosecuted by Her Majesty's Government". He won several minor issues, but had no hope of winning the major one, and the *National Reformer* became liable for penalties of several million pounds, when the press acts were suddenly repealed in June 1869 as a direct result of his resistance.

There was then another respite for more than a decade—though one of the reasons for the prosecution of Charles Knowlton's birth-control pamphlet *Fruits of Philosophy* for obscenity in 1877 was that it was published by freethinkers—and the next known case came in 1882. A young member of the National Secular Society in Tunbridge Wells called Henry Seymour, annoyed by the way Christians defaced NSS posters, designed a provocative one mentioning among other Easter attractions "Hamlet and the Holy Ghost". He was asked to remove the word "Holy", refused, and was prosecuted; but on Bradlaugh's advice he pleaded guilty and was bound over. (Seymour later became a leading anarchist and campaigner for sexual liberation.)

But Seymour's case was only part of a major attack on the secularist movement in 1882. Bradlaugh was then in the middle of his struggle to get into Parliament, and his opponents were using every trick to keep him out. One would be to prosecute him for blasphemy, because a conviction under the Blasphemy Act of 1697 would disqualify him from holding public office or taking legal action against his unscrupulous persecutors. They decided to strike at him through the *Freethinker*, the new weekly paper produced by some of his NSS colleagues, which was much more aggressive than the *National Reformer*. Summons were issued against the editor G. W. Foote, the publisher W. J. Ramsey, and the printers—and also against Bradlaugh, whose Freethought Publishing Company shared the same premises as the *Freethinker* and had published the first issues.

Bradlaugh was able to show that he had nothing to do with the offending issues of the *Freethinker*, and he was acquitted. But Foote and Ramsey faced three trials in succession. At the first one before the Catholic Mr Justice North, whose prejudice was obvious throughout, the jury disagreed. At the second one before the same judge the jury convicted, and Foote was sentenced to a year's imprisonment, making the classic remark: "My Lord, I thank you—the sentence is worthy of your creed." (Ramsey got nine months, and the printer three.) At the third one, before Lord Chief Justice Coleridge, the jury again disagreed, and the case was dropped. When Foote was released he returned to the *Freethinker*, which survives to this day.

There were two significant points in Foote's case. One was that, unlike Holyoake and Bradlaugh but like Carlile and Southwell, he invited prosecution by deliberately publishing blasphemous material. The other was that Coleridge's judgement brought a change to the law of blasphemy.

Foote said in the first issue: "The *Freethinker* is an anti-Christian organ, and is therefore chiefly aggressive." And he added that he would use "weapons of ridicule or sarcasm" as well as "the arms of science, scholarship and philosophy". He did so with all the force at his disposal, and the authorities were soon asked to prosecute it; but the Home Secretary, William Harcourt, replied that "more harm than advantage is produced to public morals by Government prosecutions of this kind", and the *Freethinker* had to be attacked by a private prosecution. Perhaps the most objectionable material it published was a series of "Comic Bible Sketches" taken from French books by "Léo Taxil" (Gabriel Antoine Jogand-Pagès), which were crudely antireligious and antisemitic cartoons of appropriate biblical events—very effective, but also very offensive. While the first prosecution was pending, Foote produced a Christmas number in December 1882 which he himself said was "full from cover to cover of what the orthodox call blasphemy" and which quickly brought another prosecution.

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That Christmas number of the *Freethinker* may be taken as what was on the edge of blasphemy a century ago, since one jury disagreed about it and another agreed it was guilty. It began with a fairy-tale parody of the myth of the Fall and the Atonement, by Joseph Symes, described as "the Christian Scheme of Redemption, stripped of its pious trappings, writ as it ought to be writ, and exhibited in its gory features and its diabolic qualities". It contained a hilarious report of the trial for blasphemy of Matthew, Mark, Luke and John, who

being wicked and evil-disposed persons did publish or cause to be published certain blasphemous, impious, scurrilous, libellous and scandalous matters, wickedly and profanely devising to asperse and vilify Almighty God and against his honour and dignity, to the tenor and effect following, to wit, among other matters, that he, Almighty God, did cohabit

with or overshadow a certain Jewish virgin named Mary, and hocus her affianced husband Joseph, and that, as a result of such overshadowing an illegitimate son named Jesus was born. Concerning whom the defendants alleged divers monstrous, blasphemous and profane libels—to wit, that he, Jesus, was God himself, that he overturned God's immutable laws, and alleged that the All-Merciful had prepared eternal torments for those who would not believe in him, the aforesaid Jesus, and further that such torments were especially prepared for the great mass of God's creatures on account of sins committed before they were born. . . .

The jury's verdict after some genuinely scholarly evidence was that "there was nothing to prove that the prisoners wrote the libels complained of"! There were some rather feeble but quite funny doggerel poems. There was a strip-cartoon "New Life of Christ", showing Jesus being "worshipped by wise ones" (the animals in the stable), preaching "from the Mount" (a pub called the Mount Inn), riding into Jerusalem (like a circus clown on two donkeys), being "run in for blasphemy", and so on. And there was the famous cartoon of "Moses Getting a Back View" of God, drawn as a man with his shirt poking through a hole in his patched trousers.

It is difficult to imagine any freethought paper bothering to publish such stuff now, but it is easy to imagine any Christian being offended by it then or now. The surprising thing is that Foote only just went too far—and that he got away with going too far again, since he continued the "Comic Bible Sketches" for several years after his release and never moderated his attacks on Christianity. Apart from this Carolean determination, the strongest point of his defence was that he described all the technically blasphemous material written by respectable figures of his time, including members of both Houses of Parliament and some of the greatest names in English literature, and extracted from Coleridge the important ruling that Christianity was not and never had been the law of the land, that "the mere denial of the truth of Christianity is not enough to constitute the offence of blasphemy", and that "if the decencies of controversy are observed, even the fundamentals of religion may be attacked". Coleridge ruled instead that "indecent and offensive attacks on Christianity or the Scriptures or sacred objects or persons, calculated to outrage the feelings of the general body of the community, do constitute the offence of blasphemy", so that the issue must be not the matter but the manner of expression.

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Foote was the last victim of the blasphemy law for twenty-five years, but of course blasphemy did not cease. Apart from the overtly antireligious items in the *Free-thinker* and other secularist papers, there were the more covert writings of people like those mentioned by Foote. He pointed out that what Annet and Woolston had been punished for in the eighteenth century was said with impunity in the nineteenth century by respected writers like Bishop Colenso and Matthew Arnold; he quoted a passage from Arnold's *Literature and Dogma* ridiculing the doctrine of the Trinity by applying it to three Lord Shaftesburys. (Arnold removed the passage from the next edition of the work!) He referred to antireligious passages in the writings of Leslie Stephen, Charles Darwin, T. H. Huxley, Henry Maudsley, Herbert Spencer, John Stuart Mill, George Grote, Jeremy Bentham, John Morley, Lord Amberley, the Duke of Somerset, George Eliot, and so on. He quoted Shelley; but above all he quoted Swinburne—"One of our greatest, if not our greatest poet"—who had recently been taken under the protection of Theodore Watts-Dunton but was still writing and publishing poetry which approached obscenity and blasphemy as near as possible without actually being prosecuted. There was indeed a threat that the first volume of *Poems and Ballads* (1866) should be prosecuted for obscenity, and a couple of blasphemous poems were withdrawn from *Songs Before*

*Sunrise* (1871); but *Poems and Ballads* was simply taken over by another publisher, and the poems omitted from *Songs Before Sunrise* appeared elsewhere a couple of years later.

Foote made skilful play with Swinburne. In *Atalanta in Calydon* (1865) there is the famous Chorus attacking "the supreme evil, God"; in the "Hymn to Proserpine" (included in the first *Poems and Ballads*), a powerful attack on the suppression of paganism by Christianity, there is a bitter reference to "ghastly glories of saints, dead limbs of gibbeted gods"; in "Hertha" (included in *Songs Before Sunrise*), a paean to a pantheistic earth-goddess, there is the exultant conclusion that the Christian God is dying. Foote read out the similar conclusion to the passionately humanistic "Hymn of Man" (included in *Songs Before Sunrise*):

Kingdom and will hath he none in him left him, nor warmth  
in his breath;  
Till his corpse be cast out of the sun, will ye know not the  
truth of his death?  
Surely, ye say, he is strong, though the times be against him  
and men;  
Yet a little, ye say, and how long, till he comes to show  
judgement again?  
Shall God then die as the beasts die? Who is it hath broken  
his rod?  
O God, Lord God of thy priests, rise up now and show  
thyself God.  
They cry out, thine elect, thine aspirants to heavenward,  
whose faith is as flame;  
O thou the Lord God of thy tyrants, they call thee, their  
God, by thy name.  
By thy name that in hell-fire was written, and burnt at the  
point of thy sword.  
Thou art smitten, thou God, thou art smitten; thy death is  
upon thee, O Lord.  
And the love-song of earth as thou diest resounds through  
the wind of her wings—  
Glory to Man in the highest! for Man is the master of things.

Foote also read out the passage from "Before a Crucifix" (included in *Songs Before Sunrise*) which attacks not God in general but Jesus in particular, and which is surely as blasphemous as any anti-Christian writing prosecuted during the past three centuries:

O hidden face of man, wherever  
The years have woven a viewless veil,  
If thou wast verily man's lover,  
What did thy love or blood avail?  
Thy blood the priests make poison of,  
And in gold shekels coin thy love.  
So when our souls look back to thee  
They sicken, seeing against thy side,  
Too foul to speak of or to see,  
The leprous likeness of a bride,  
Whose kissing lips through his lips grown  
Leave their God rotten to the bone.  
When we would see thee man, and know  
What heart thou hadst toward men indeed,  
Lo, thy blood-blackened altars; lo,  
The lips of priests that pray and feed  
While their own hell's worm curls and licks  
The poison of the crucifix.  
Thou badst let children come to thee;  
What children now but curses come?  
What manhood in that God can be  
Who sees their worship, and is dumb?  
No soul that lived, loved, wrought, and died  
Is this their carrion crucified.  
Nay, if their God and thou be one,  
If thou and this thing be the same,  
Thou shouldst not look upon the sun;  
The sun grows haggard at thy name.  
Come down, be done with, cease, give o'er,  
Hide thyself, strive not, be no more.

No wonder that Foote's imprisonment was followed by the formation of a "Society for the Suppression of Blasphemous Literature", which threatened to prosecute Swinburne and several other respectable freethinkers. But it was probably a joke, like the prosecution of Shelley's

publisher forty years earlier. More serious was the formation of the National Association for the Repeal of the Blasphemy Laws. James Fitzjames Stephen, the conservative freethinking jurist, disagreed with Coleridge's definition of the law of blasphemy, believing it to be as restrictive as ever, and he drafted a "Bill to Abolish Prosecutions for the Expression of Opinion on Matters of Religion" which would repeal all the relevant statutes and stop any further prosecutions under the common law. Bradlaugh, who finally secured his parliamentary seat in 1886, introduced the Bill in the House of Commons in 1889, but it was refused a second reading by a vote of 143 to 48.

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In 1897 J. M. Browne was convicted of sending blasphemous and obscene material through the post, and in 1903 three freethinkers were unsuccessfully prosecuted for an article in the *Truthseeker*. The next—and last—wave of prosecutions began in 1908 and lasted until 1921, involving fines or short prison sentences for traditional secularist open-air speakers in London and the industrial North. In 1909 Harry Boulter got a month for speeches at Highbury Corner, London; in 1911 J. W. Gott got four months and T. W. Stewart got three months for speeches and publications in Leeds; in 1912 Thomas Jackson twice got two weeks for speeches in Leeds, and Frederick Chasty and Douglas Muirhead were fined for speeches in Ilkeston (all three charged with profanity rather than blasphemy); Edward Stephens, who called himself S. E. Bullock, got three months for a speech in Leeds in 1912, and another three months for a speech in Barnsley in 1913; in 1913 Arthur Thompson was fined £5 for a speech in Blackburn, including the remark that "when the Lamb of God descended into Hell, the Devil swore because there was no mint sauce with the roast lamb", and Stewart got four months for a speech in Wolverhampton.

The freethought movement was reluctant to support such cases, the various organisations opposing both the matter and the manner of the offending speeches, but in 1913 they formed a Committee for the Repeal of the Blasphemy Laws. The Prime Minister, H. H. Asquith, gave his sympathy, but Bills failed to reach second readings in 1913 and 1914. There was in fact a lull for a couple of years, during which a literary work once again came under attack. Poetry had occasionally suffered from blasphemy prosecutions, perhaps because it is so quotable, but fiction had escaped—though Matthew Lewis's gothic romance *The Monk* (1796) had been threatened with prosecution for both obscene and blasphemous libel (it described the Bible as an immoral book), and an expurgated edition was quickly prepared with a new title, *Ambrosio, the Monk* (1798). In 1916 George Moore published *The Brook Kerith*, a novel based on the idea that Jesus survived the Crucifixion, renounced his messianic mission, and tried to dissuade Paul from his belief in the Resurrection. Lord Alfred Douglas attempted to begin a private prosecution for blasphemous libel, but he was refused a summons. (Douglas had a poor record with criminal libel: in 1895 he incited Oscar Wilde to prosecute his father, the Marquess of Queensberry, for accusing him of homosexuality—the action which brought Wilde's ruin; in 1914 he was himself prosecuted for accusing Wilde's friend Robert Ross of homosexuality, but the jury disagreed; and in 1923 he was again prosecuted for accusing Winston Churchill of profiting from events in the First World War, and was imprisoned for six months.)

The wave of prosecutions soon blew up again. Gott got two weeks in 1916 in Birkenhead and six weeks in 1917 in Birmingham; J. Riley got two weeks in 1917. There was another lull, and then the last two cases came in 1921, both involving Gott. In February he got three months in Birmingham, and in December he faced his

fourth trial for blasphemy at the Central Criminal Court (some of his cases involved contraceptive as well as secularist propaganda). He was accused of distributing publications which had such names as *God and Gott* and *Rib Ticklers* at Stratford, London, and annoying bystanders. The jury disagreed at the first trial, but a new jury found him guilty at the second, with a plea for clemency; on the contrary, after the police had described him as "a socialist and atheist of the worst type", the judge sentenced him to nine months' hard labour. The National Secular Society had long refused to have Gott as a member, but they supported him throughout the case and took it to the Court of Criminal Appeal. The result was the last authoritative ruling on the definition of the law of blasphemy, which laid down that it covers material which is "offensive to anyone in sympathy with the Christian religion, whether he be a strong Christian, or a lukewarm Christian, or merely a person sympathising with their ideals", who "might be provoked to a breach of the peace".

One of the particular items for complaint in Gott's publications was the phrase that Jesus entered Jerusalem "like a circus clown on the back of two donkeys". As we have seen, this was a traditional item of secularist propaganda, and though it may sound offensive it is based on a serious point of biblical criticism; Matthew, alone among the Evangelists, misunderstands the Hebrew idiom of poetic parallelism in Zechariah ix, 9, and describes Jesus riding into Jerusalem on an ass and her colt at the same time (Matthew xxi, 2-7). But such academic distinctions did not apply to a man like Gott, who served his sentence and, suffering from diabetes, died a few weeks after his release.

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That seems to have been the last blasphemy case in Britain for half a century. There were still occasional cases elsewhere in the British Empire—thus in 1935-1936 Victor Rahard was prosecuted in Canada and Anne Lennon was prosecuted in Australia; and in 1940 A. R. Woodhall was sentenced to a month's imprisonment in Jersey for making a passport photograph resemble Christ on the Cross, but after protest he was released by the Home Secretary after a fortnight. Len Ebury, a traditional secularist open-air speaker, was fined in 1941, not under the blasphemy law but under Hyde Park regulations, and was threatened with the blasphemy law in 1958, but not prosecuted.

Gott's last case led to the formation of a Society for the Abolition of the Blasphemy Laws, and unsuccessful attempts to introduce Bills were made during the 1920s by J. F. Green, Harry Snell and George Lansbury. Ernest Thurtle (later secretary of the Rationalist Press Association) introduced his Blasphemy Laws (Amendment) Bill in 1930 and it was actually given a second reading by a vote of 131 to 77, after getting support from several progressive Christians as well as freethinking MPs. But the minority Labour Government was not willing to support it, and the Catholic Solicitor-General, James Melville, introduced an amendment extending blasphemy to cover "any matter of so scurrilous a character as to be calculated, by outraging the religious convictions of any other person, to provoke a breach of the peace", with a penalty of a £100 fine or a year's imprisonment. The Bill was killed, and further attempts to introduce it were unsuccessful. After the Second World War the issue was almost forgotten, and occasional attempts to revive it got little support even within the Humanist movement; in 1959 the Society for the Abolition of the Blasphemy Laws was dissolved.

During the period of law reform which marked the late 1960s the legal authorities took a hand by repealing the obsolete old statutes. The common law of blasphemy

was left, but it seemed to have become obsolete as well, like the common law of sedition. Only a few years ago, blasphemy might have seemed a purely academic branch of English law.

Not, of course, that blasphemy itself had died out. There was perhaps less of it in freethought propaganda after Gott, but there was still plenty in ordinary usage, including literature. A. E. Housman included in his *Last Poems* (1922) a veiled defence of his veiled homosexuality which began as follows:

The laws of God, the laws of man,  
He may keep that will and can;  
Not I: let God and man decree  
Laws for themselves and not for me;  
And if my ways are not as theirs  
Let them mind their own affairs.  
Their deeds I judge and much condemn,  
Yet when did I make laws for them? . . .

W. B. Yeats included in his *Collected Poems* a short squib called "A Stick of Incense":

Whence did all that fury come?  
From empty tomb or Virgin womb?  
Saint Joseph thought the world would melt,  
But liked the way his finger smelt.

Thomas Hardy published several poems as subversive as anything in Shelley or Swinburne, though not as offensive. T. S. Eliot's "Hippopotamus" and W. H. Auden's "Victor" have blasphemous implications, whatever their intentions. Several of D. H. Lawrence's "Pansies" might have been condemned as blasphemous if so many hadn't been condemned as obscene.

Turning from poetry to prose, Lawrence produced a story which was remarkable both for its blasphemous content and for its immunity from trouble. "The Escaped Cock" was written in 1928, at the same time as *Lady Chatterley's Lover*, and published in the United States and France before appearing after his death in Britain as *The Man Who Died* (1931); it was later included in the second volume of Lawrence's *Short Novels*. The story may be seen as a variation on the theme of *The Brook Kerith*, being based on the idea that Jesus survived the Crucifixion, met a priestess of Isis, and in making love with her experienced a true resurrection of the flesh similar to that in *Lady Chatterley's Lover*. The style is not quite as explicit as in the famous novel, but it is unequivocal in its identification of divine with sexual love.

E. M. Forster's story "The Life To Come", which was written in 1922, was only published posthumously in 1972, but the delay was caused not so much by its blasphemous equation of divine and sexual love as by the fact that the love in question was homosexual.

James Joyce's huge novel *Ulysses* was published in book form in France in 1922, but was not freely available in Britain until 1936, after it had been found not to be obscene at the American trial of 1933 and appeal of 1934. Because of the twelve-year dispute about its obscenity, its blasphemy was overlooked, yet it is just as obvious. Consider Buck Mulligan's "Ballad of Joking Jesus" in the opening episode:

I'm the queerest young fellow that ever you heard.  
My mother's a Jew, my father's a bird.  
With Joseph the joiner I cannot agree,  
So here's to disciples and Calvary.

If anyone thinks that I amn't divine  
He'll get no free drinks when I'm making the wine,  
But have to drink water and wish it were plain  
That I make when the wine becomes water again.

Goodbye, now, goodbye. Write down all I said  
And tell Tom, Dick and Harry I rose from the dead.  
What's bred in the bone cannot fail me to fly,  
And Olivet's breezy . . . Goodbye, now, goodbye.

Bernard Shaw had to be careful what he put into his plays, after *Mrs. Warren's Profession* was refused a licence in 1894; but he put into several of his prefaces not just attacks on the law of blasphemy but examples of it—especially in those for *Androcles and the Lion* (1916) and *Back to Methuselah* (1921)—and his story *The Adventures of the Black Girl in Search of God* (1932) was as blasphemous as anything in the *Free-thinker* fifty years before.

On a rather different level, the American play *Green Pastures* was refused a licence in Britain in 1930, and the book was criticised but not prosecuted for its depiction of the God of Genesis and Exodus as an overworked and bad-tempered old Negro businessman. The rule seems to have been developed that blasphemy was acceptable on paper and even on the screen, but not on stage. The film of *Green Pastures* was allowed in where the play was unable to tread. Several of the films of Luis Buñuel were as offensive as anything in old freethought propaganda, culminating in the parody of the Last Supper in *Viridiana* (1961), and the film of *Ulysses* (1967) contained Joyce's blasphemous poem. Even in the theatre there was eventually a breeze of change, with the amazing arguments in 1958 whether Samuel Beckett could call God a "bastard" or a "swine" in *Endgame*. As a final irony, John Osborne's documentary play about Holyoake's trial in 1842, *A Subject of Scandal and Concern*, had difficulty getting televised in 1960.

Every now and then there have still been threats of prosecutions for blasphemy, and in 1953 Mark Boxer, editor of the Cambridge University paper *Granta*, was expelled for publishing a blasphemous poem by Anthony de Hoghton; but the first sign that a new wave of prosecutions might be possible came at the beginning of the 1970s. Following the abolition of the Lord Chamberlain's censorship of the theatre in 1968, several plays were threatened with prosecution for obscenity, and in 1970 Oscar Panizza's *Council of Love* was threatened with prosecution for blasphemy. Panizza had been imprisoned for two years when the play was first performed in Germany at the beginning of the century, and its theme is certainly offensive enough, describing God asking the Devil to inflict mankind with syphilis as a punishment for the Vatican's sins during the Renaissance! In 1970 the authorities ignored complaints from the public, so Lady Birdwood began a private prosecution of two directors; but in 1971 she lost the case on technical grounds, because the directors were not responsible for the performance in question. The modern equivalents of the Proclamation Society and the Vice Society, the Nationwide Festival of Light and the National Viewers' and Listeners' Association, had lost a battle, but they continued the war.

Literary blasphemy has continued with impunity right up to the present moment. For example, John Updike's latest novel, *Marry Me*, published in Britain this year, includes the following passage:

'Heaven', Jerry said one night, entering her as she crouched above him. Afterward, he explained, 'I had this very clear vision of the Bodily Ascension, of me going up into this incredibly soft, warm, boundless sky: you.'

'Isn't that blasphemous?'

'Because it makes my prick Christ? I wonder. They both have this quality, of being more important than they should be. As Christ relates to the universe, my prick relates to me.'

'Then when I'm under you is that the descent into Hell?'

'No. You're Heaven in every direction . . .'

And Anthony Burgess's latest book, *Abba Abba*, also published this year, is a historical novel about Giuseppe Gioacchino Belli, an Italian poet who lived in Rome at the same time as Keats, including translations of more

than seventy of Belli's blasphemous sonnets. One on Christ's foreskin goes as follows:

That sacred relic, by the way, was hid  
And either kept in camphor or else iced.  
It grew so precious it could not be priced.  
And then one day His Holiness undid  
A holy box and raised a holy lid—  
Behold—the foreskin of our saviour Christ,  
Shrimplike in shape, most elegantly sliced,  
At last to profane eyes exhibited.  
In eighty other Christian lands they show  
This self-same prize for reverent eyes to hail.  
You look incredulous, my friend. But know  
That faith, though buffeted, must never fail.  
The explanation's this: God let it grow  
After the clipping, like a fingernail.

At the same time religious and antireligious controversy has included much material that would once have been described—and prosecuted—as blasphemy. John Robinson's *Honest to God* (1963) seems to argue God out of any real existence in a way which offended many Christians, and the new symposium *The Myth of God Incarnate* (1977) seems to argue against the divinity of Jesus in a way which is equally offensive to many Christians. John Allegro's *The Sacred Mushroom and the Cross* (1970) argues that Christianity began as a sex and drug cult based on the primitive worship of God as a penis in the sky and the ritual consumption of hallucinogenic mushrooms. Phyllis Graham's *The Jesus Hoax* (1974)

argues that not only the doctrine of Christianity but also the figure of Jesus are both intellectually and morally revolting.

In a climate of public expression which had become so tolerant of extreme attacks on religion, the Danish film-maker Jens Jorgen Thorsen tried to go one worse, and in 1976 there was an undignified public controversy about his plan to make a film called *The Many Faces of Jesus* about the supposed sex-life of Jesus, involving homosexual as well as heterosexual activity. The opposition to his proposal to make the film in Britain included not only the habitual offenders of the Nationwide Festival of Light and the National Viewers' and Listeners' Association, but also the Queen, the Prime Minister, and the Archbishop of Canterbury; and the last two emphasised that there was still a law of blasphemy to deal with such things.

In this context it hardly seems coincidental that at the end of 1976 Mary Whitehouse, the general secretary of NVALA, began a private prosecution of a poem which was apparently about the supposed sex-life of Jesus, involving homosexual activity, under the law of blasphemy. As has happened several times before—notably in the *Oz* trial of 1971—the extreme advocates of so-called "permissiveness" provoked the extreme opponents into a "backlash". Thus was the stage set for the *Gay News* trial of 1977, and the moribund law of blasphemy was brought back to life after more than half a century.

## Blasphemy today: the *Gay News* trial

JAMES KIRKUP is a distinguished poet, novelist, dramatist, translator, broadcaster, and critic. He has been a Fellow of the Royal Society of Literature since 1962, has taught English in universities all over the world, and has written poetry and drama expressing his interest in Christianity and his commitment to homosexuality. His poem "The Love That Dares To Speak Its Name" was published with an illustration by Tony Reeves in the homosexual fortnightly *Gay News* 96 (3-16 June 1976).

The title of Kirkup's poem comes from the last line of Lord Alfred Douglas's poem "Two Loves", which appeared in the first issue of *The Chameleon* in 1894 and distinguished between heterosexual and homosexual love, the latter being called "the love that dare not speak its name". This poem played an important part in Oscar Wilde's first trial for homosexuality in 1895, a prosecution question about the meaning of this line prompting Wilde's famous reply:

"The love that dare not speak its name" in this century is such a great affection of an elder for a younger man as there was between David and Jonathan, such as Plato made the very basis of his philosophy, and such as you find in the sonnets of Michelangelo and Shakespeare. It is that deep, spiritual affection that is pure as it is perfect. It dictates and pervades great works of art like those of Shakespeare and Michelangelo. It is in this century misunderstood, so much misunderstood that it may be described as "the love that dare not speak its name"; and on account of it I am placed where I am now. It is beautiful, it is fine, it is the noblest form of affection. There is nothing unnatural about it. It is intellectual, and it repeatedly exists between an elder and a younger man, when the elder has intellect and the younger man has all the joy, hope and glamour of life before him. That it should be so, the world does not understand. The world mocks at it, and sometimes puts one in the pillory for it.

The point of Kirkup's poem is that in *this* century homosexual love has become a love that *does* dare to speak its name, and the theme of the poem is that it is a divine as well as a human love. So far so good, but the treatment

is another matter. The 66-line poem and accompanying illustration express this theme in explicitly physical terms, the fantasy being that the Roman centurion who pierced Christ's side on the Cross made love with his dying body afterwards, and the moral being that this union symbolises both a sexual and a spiritual relationship between God and man.

Kirkup later gave *Gay News* a statement about his reasons for writing the poem, but this could not be used at the trial because the judge ruled that literary evidence was inadmissible and that the factor of intention was irrelevant. (Extracts first appeared in the *Observer* on 17 July.) Kirkup began saying how he saw his own poem:

My poem in *Gay News*, like many of my religious poems, was an attempt to see Christ anew in terms of modern sexual liberation, terms valid for homosexuals, bisexuals and heterosexuals alike. I had always believed in Him as a real human being who had once lived on this earth, with lusts, failings, ecstasies and sexual equipment like the rest of us, and I was concerned to present this view with both humour and realism.

He went on to describe himself as "a born unbeliever who yet longed to believe":

When I was a little boy, I suffered the misfortune of having to attend a Primitive Methodist Chapel and Sunday School. This dreadful place, like all Christian churches ever since, filled me with gloom, boredom, despondency and sheer terror. I heard the grisly, gory details of the Crucifixion for the first time at Sunday School at the age of five. I was so overcome by revulsion and fright that I fainted with the shock of those gruesome, violent images. When I heard of the fires of Hell and the torments of the damned, my horror expressed itself in outbursts of uncontrollable giggles, my knees shook, and I wet the floor. I, who loathed meat and could not even bear the sight of a cut finger, was informed that I could be "saved" only if I were to be washed in the Blood of the Lamb—which my poor dear parents considered a Sunday lunchtime luxury. I could never take part in Holy Communion, for the very thought of eating bits of Christ's dead flesh and drinking cups of his blood made me sick.

Now I am convinced that young people with impressionable minds should never be exposed to such brutal, sadistic and

violent obscenities, whether in church, in books, in the cinema or on television. I wonder how many children were utterly disgusted by Christianity as I was through the constant repetition of these inartistic, tasteless and crude images?

So I was never a Christian, though I often felt I ought to be. I liked the legends and the character of Christ Jesus. To me He was the friend I never found in real life, for I was a solitary right from the start.

Hence the desperate appeal of his poem:

My poem was to be all things to all men. It was to express passionate love of Christ, with intense realism. The "love that dares to speak its name" of my title is not specifically homosexual love, but simply and purely the passionate love of a great and exceptional individual rejected and murdered by conventional society. This is the kind of love the Church does not allow us to think about, and which most people fail to imagine in the banal religiosity of worship. The poem reflects my deeply religious nature. It is about the transforming power of human and divine love. It is about the mystery of miracles—the miracles of the conversion of the centurion Longinus, and the resurrection of the dead body of Jesus through our human, earthly loves and desires. I wanted to portray strong, deep emotion and intense passion (in both senses of the word), to present a human, earthly and imperfect Christ symbolising my own outcast state, and that of all outcasts in our society.

Of course, I knew this would dismay and shock some people—but had I not myself been deeply offended, dismayed and shocked by *their* disgusting version of the Crucifixion? As for blasphemy—that was never my intention. How could it be? It never entered my head for one moment that the poem might be misconstrued in that way. My motives were pure—on that my conscience is clear—and all I wanted was to create a work of art. Audacity yes, blasphemy no.

There was some critical correspondence in subsequent issues of *Gay News*, but eventually this came to an end, and the poem fell into the obscurity which is the usual fate of publication in a periodical. On this occasion, however, that obscurity was soon disturbed. Kenneth Kavanagh, a Bedford probation officer, later said that he bought a copy of the issue in question because he wanted to read its front-page report of the Harrogate conference of the National Association of Probation Officers, that three months later he noticed the poem on page 26, and that he then complained to a fellow member of the Responsibility Society. (The controversy over the Thorsen film broke into the media in September 1976, which suggests a chronological as well as ideological connection between the two cases.) What happened next remains uncertain, but on 30 November Mary Whitehouse announced that she would begin a private prosecution for blasphemous libel against *Gay News*, its editor Denis Lemon, and its distributor Messrs Moore-Harness.

Under the Law of Libel Amendment Act of 1888, a newspaper cannot be prosecuted for criminal libel (including blasphemous libel) without leave of a judge in chambers, and Mr. Justice Bristow gave leave on 9 December. On 20 December he also granted a voluntary bill of indictment, enabling the case to go straight to trial without committal proceedings in a magistrates court; at the same time the case against Moore-Harness was dropped. The case now proceeded in the name of the Crown, but it remained a private prosecution from beginning to end.

During the next six months *Gay News* managed to raise £20,000—about £1 per purchaser—to pay for its defence. In May 1977 Mrs. Whitehouse, who had exploited the law with great skill, apparently contravened it by publishing her book *Whatever Happened to Sex?* with two references to the forthcoming trial which assumed the guilt of the defendants; *Gay News* might have sought an injunction against her, but only issued a protest.

On 27 May the National Secular Society held a packed public meeting about the case in London. The chairman

was Barbara Smoker, the NSS president, and the principal speakers were the Labour MP Brian Sedgmore (whose speech was published in *Tribune* the same day) and the writer Edward Blighen (whose speech was published in the May/August *New Humanist*). Other speakers were Nicolas Walter of the Rationalist Press Association and Francis Bennon of the Defence of Literature and the Arts Society, and the latter proposed a resolution which was carried unanimously: "This meeting resolves that in 1977 the blasphemy laws are obsolete and should be repealed as soon as possible."

Meanwhile the poem had ironically and inevitably been revived by the prosecution. *Gay News* 96 became a collectors' item, like the *Schoolkids Oz* six years before, and the poem was circulated in leaflet form by a "Free Speech Movement" from December 1976, hundreds of copies being distributed by hand and by post to people who asked for it. On 1 July 1977, William McIlroy retired as general secretary of the National Secular Society after thirteen years, and on the same day he was summoned for sending indecent material through the post, following a complaint by the same Kenneth Kavanagh. By that time the poem had been reprinted by several political papers—in the Young Liberal *Liberator* in January, in the pacifist *Peace News* on 28 January, and in the *Anarchist Worker* in February/March—but no action was taken.

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The trial of *Gay News* and Denis Lemon was held at the Central Criminal Court in London from 4 to 12 July. The judge was Mr. Justice King-Hamilton, president of the West London Synagogue, the centre of Reform Judaism in Britain, and a veteran of several trials which have earned him a reputation as an eccentric and outspoken occupant of the bench. He has regretted the abolition of corporal punishment, criticised the fighting of cases where defendants seem guilty, recommended pleas of guilty to reduce sentences, awarded costs against publishers of erotic magazines found *not* guilty of obscenity, and described a manager of prostitutes as "the most evil woman ever to come before me". He is also strongly prejudiced against homosexuality, which hardly seems to qualify him to preside over the trial of a homosexual magazine. Thus in 1971 he intervened in the examination of a psychiatric defence witness during the trial of an erotic book called *The Mouth and Oral Sex* as follows:

Have you read *The Decline and Fall of the Roman Empire*?—No.

But you know the view has been held that ancient Rome fell because of many years of decadence and immorality. Do you agree that in this country in recent years there are also signs of increasing decadence and immorality?—Yes.

One has only to look at the increasing number of illegitimate births, abortions, cases of venereal disease, and increasing homosexuality. . . .

(Someone should perhaps tell him that Gibbon did not attribute the decline and fall of the Roman Empire to decadence and immorality, let alone homosexuality, but did include among the causes the rise of Christianity!)

He was very polite to the defence at almost every point throughout the trial, but he was clearly sympathetic to the prosecution at almost every point, especially in the absence of the jury. The official counsel for the prosecution was John Smyth, a young barrister with a military manner. There were two counsel for defence—*Gay News* was defended by Geoff Robertson, a young left-wing barrister who specialises in drug and obscenity cases and also works as a journalist; and Denis Lemon was defended by John Mortimer, a middle-aged left-wing barrister who specialises in free speech cases and is better known as a writer, especially the author of successful tragicomic plays.

Largely because of extreme uncertainty about the law of blasphemy after the long period of disuse, half the trial consisted of legal arguments in the absence of the jury. On the morning of 4 July, before the jury was even chosen, the defence made a long submission to quash the indictment on two grounds, one quite hopeless and one at least hopeful. The first was that the crime of blasphemy no longer existed, because the common law offence had become obsolete, because there were new statutes (such as the Public Order Act of 1936, the Race Relations Acts, and various Acts regulating publications, theatres and cinemas) which superseded it, and because of its discriminatory protection of only one religion when Britain subscribes to international conventions repudiating such discrimination. The second was that the essence of the offence in this case was obscenity rather than blasphemy—indeed the indictment referred to “an obscene poem”—and that the case should be brought under the Obscene Publications Act (which excludes proceedings at common law). The judge ruled against both submissions; the first one was not perhaps entirely serious, but the second one would also have introduced into the trial expert evidence about literary and other matters, as well as the elements of literary merit and public good.

The judge then ruled against two procedural submissions by the defence—that the proceedings should be tape-recorded, and that the poem should not be read by the jury until after opening speeches from the defence as well as the prosecution (so that they would hear both sides of possible interpretation before seeing it).

In the afternoon of 4 July, the judge was told about material that was being distributed outside the court—copies of the poem (taken from the *Peace News* reprint), and leaflets produced by a militant homosexual group protesting against the trial as part of a right-wing conspiracy against homosexuals (and incidentally accusing Mary Whitehouse of antisemitism, which she hotly denied)—and he referred it to the Director of Public Prosecutions to consider as possible contempt of court. He also warned the press that, while reports of court proceedings are privileged, such reports may not contain any obscene or blasphemous material and may not in this case quote the poem in question.

When the jury was chosen, the defence asked that potential jurors should be asked whether they belonged to such organisations as the National Viewers’ and Listeners’ Association or the Nationwide Festival of Light. The judge replied that they might as well be asked whether they were homosexuals, and he disallowed any questions about their beliefs or membership of any organisation, allowing only the question whether they had seen the material being distributed outside the court. The defence then challenged the maximum number of jurors without giving any reason—seven for each defendant—in an attempt to exclude the more obviously uneducated or conventional. All twelve eventually allowed—which included five women and two black men—took the Christian oath. Copies of the poem were then given to the jury and to the press.

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Smyth’s opening speech for the prosecution was a very aggressive attack on the poem by James Kirkup and the accompanying illustration by Tony Reeves. Neither of them had been prosecuted, because they had produced their work in private, whereas the publication of it in *Gay News* inflicted it on the public. The indictment described the result as “a blasphemous libel concerning the Christian religion, namely an obscene poem and illustration vilifying Christ in his life and crucifixion”, and Smyth described it as being “so vile it would be hard for

the most perverted imagination to conjure up anything worse” (at which those in the public gallery and the press bench found it easy to think of much worse things). He referred to the last successful prosecution, of J. W. Gott in 1921, for saying among other things that Jesus rode into Jerusalem on two donkeys like a circus clown, and commented: “Times have changed, and no one would think of a prosecution of that. The blasphemy here is a hundred times—you may think a thousand times—worse.”

Smyth allowed no possible room for interpreting the poem except as a literal attack on Christianity. “It is quite obvious that the poem portrays Jesus Christ as a practising homosexual, and as utterly promiscuous. You will find at least fifteen identifiable individuals with whom Christ is alleged to have performed buggery, as well as with groups.” He excluded the obvious consideration that the poem is meant to be fantasy, and that there is no suggestion of any basis in fact. Instead he stuck to the pretence that it was a matter of religious controversy which had gone too far: “We have freedom of speech, which means that you can say anything about religion within limits of decent controversy. You can say Christ was a fraud or a deceiver, or Christ may have been a homosexual, provided you say it in a reasonable, measured, reflective, decent way.” In this case the language was “almost too vile for words, even in the setting of the Old Bailey”, and the equation of divine and sexual love was a desecration of Christ, of Easter, and of salvation.

Smyth argued that blasphemy had two essential elements—“some sort of attack on Christ which undermines Christianity or the Bible”, and “an attack made in such a manner as to pass the limits of decent controversy or discussion and outrage the feelings of any sympathiser with Christianity”.

He then called the only prosecution witness, Kenneth Kavanagh, who described how he had bought the offending issue of *Gay News* in June 1976 and seen the poem in September, when he drew it to the attention of a fellow member of the Responsible Society. The defence cross-examination revealed no new information about the events during the second half of 1976 which led to the prosecution, but it did bring one small joke, when Robertson asked Kavanagh what the Responsible Society was responsible for. However, his evidence was sufficient to show that the poem had been published and that one “sympathiser with Christianity” had been shocked and disgusted by it, and this was all that was needed—though there was no evidence of any tendency to a breach of the peace.

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The morning of 5 July began with further legal arguments, and the jury spent only a few minutes in court. The defence argued for the right to call expert witnesses to give evidence on religious and literary matters—on what Christianity consists of and whether the poem is an attack on it, and on what a poem consists of and how this applies to the meaning of this particular poem—and the prosecution argued for the right to call similar witnesses to rebut such evidence. The judge, clearly opposed to having any expert witnesses, postponed ruling on this problem, but agreed that if the defence were allowed to call them the prosecution would be allowed to do so too.

The prosecution then had some difficulty with the technical aspects of its case—proving that *Gay News* was published by Gay News Limited, the company who was one of the two defendants; and that it was edited by Denis Lemon, the other defendant. Because the prosecution had bypassed the usual committal proceedings

where a case is tested in open court and the prosecution witnesses are examined in public, the defence had decided not to make the usual admissions about such details. As Mortimer commented, the prosecution was "ill-equipped", since they produced no evidence about the nature of the *Gay News* company or about the identity of Denis Lemon. In one of his few expressions of open hostility, the judge attacked Lemon's defence, which was financed by legal aid, for obstructive tactics by the *Gay News* defence, accusing it of wasting public funds; the defence reply was that it was still not known who was paying for the prosecution, which might well be a much greater waste of public funds. In the end the defence made the admissions at the last possible moment, before messengers had to be sent to obtain company certificates and police witnesses, and the prosecution case came to an end.

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The defence immediately submitted that there was no case against Lemon, since it had not been proved that he had been directly responsible for the publication of the poem. At this point the judge made one of his few jokes—"The answer, I suppose, is a lemon!"—and insisted that it was common sense to assume that the editor was responsible, at least *prima facie* (at which those in the public gallery and the press bench commented that common sense and common law do not necessarily coincide).

The afternoon of 5 July ended with the defence case being briefly opened by Robertson, who argued that there are three essential elements of the law of blasphemy—the intention to attack Christianity, the intention to do so in a scurrilous way, and the tendency to cause a breach of the peace. The whole of 6 July was taken up with further legal arguments in the absence of the jury.

Smyth agreed that the definition of blasphemy had changed with the times up to the last case in 1921, but denied that it should continue to change, because the times have not changed during the past half-century. This is still a largely Christian country, and even most non-Christians are sympathetic to Christianity—a point frequently repeated by the judge. Robertson argued that there is in fact "no law of blasphemy", and that the old law has "withered and died" and should not be resurrected. He cited a series of twentieth-century statutes and cases involving offences which would previously have been prosecuted as blasphemy but were now prosecuted as obscenity, indecency, incitement to racial hatred, or conduct likely to cause a breach of the peace. He insisted that if there were still any law of blasphemy left, it must include as an essential element the factor of intention to blaspheme and that any trial must include expert evidence about what is alleged to blaspheme and to be blasphemed. If intention were irrelevant, after all, the person who complained about the poem and showed it to someone else was equally guilty; and if expert evidence were inadmissible, the issue would be decided by mere prejudice.

Mortimer added that if blasphemy does still exist, it shouldn't be defined after a lapse of fifty years by a judge, but should be decided according to the widest interpretation of the intention and purpose of those on trial. The judge replied that he had "no intention of making any new law, only of stating the law as it is".

Robertson then argued that the repeal of the statutes shouldn't be defined after a lapse of fifty years by a on the assumption that they concerned "obsolete crimes"; Smyth replied that Parliament had indeed repealed obsolete statutes, but had left the common law of blasphemy intact, making it if anything stronger than before.

Mortimer argued that expert testimony was essential, because the jury couldn't be expected to know the details

of Christianity and the wide variety of acceptable opinion and expression in discussion of sexual aspects of Christianity, and because the jury couldn't be expected to know the function of poetry, as metaphor, symbolism and imagery, in such a discussion. Robertson added that religious witnesses had been allowed in the Brighton Church Demonstration case and in the Scientology case to explain such matters, and that literary witnesses are now allowed in obscenity cases by statute. But 6 July ended with the judge ruling against any expert witnesses at all, whether religious or literary: "The poem must speak for itself."

On 7 July the judge ruled against the defence argument about intention, and stating that there was no need to prove intention to attack Christianity, to insult Christians, or to cause a breach of the peace, only to prove that there was a tendency to cause a breach of the peace. Blasphemy was defined as "anything concerning God, Christ, or the Christian religion in terms so scurrilous or offensive as to shock or outrage a member of or sympathiser with the Christian religion so far as to tend to cause a breach of the peace"; he also hinted that in his view it could be extended to give the same protection to other religions.

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In this restrictive atmosphere, the defence case opened at last, after the judge had explained the legal arguments to the jury and repeated his favourite phrase that it was a "very simple" case. In the absence of expert witnesses, Geoff Robertson called two witnesses to the character of *Gay News*, the novelist and critic Margaret Drabble, and the journalist and critic Bernard Levin. The judge disliked this evidence, suggesting that the text of the poem was all that mattered, but accepted it with ill grace.

Levin was examined first, though he had to return for cross-examination the following day to be able to attend a play he was reviewing at Chichester. He affirmed, and then described *Gay News* as a "responsible paper", whose "principal interest" was in "matters directly affecting homosexuals" but whose brief "was much wider than that". In particular he mentioned that it "deals with many matters not specially of interest to homosexuals", such as the arts and civil liberties, and that it treats its subject-matter in a responsible way, unlike other papers working in the same area. It deals with homosexuality as an objective fact, and while the "great majority" of its readers are no doubt homosexuals or other people with a special interest in homosexuality, it also has serious readers of wider interests; but prurient readers would find nothing sensational in it.

Drabble swore on the Bible, and then repeated that *Gay News* was "a serious and responsible newspaper", adding that it "deals with the arts in a reputable manner" with well-known literary contributors, and that in discussion of public issues and news coverage "its general approach is thoroughly responsible".

Smyth, who for some reason kept getting her name wrong, cross-examined her on items in the same issue as the poem, especially an anonymous article on paedophilia called "A Kind of Loving", and complete copies of the issue had to be provided for the witness and the jury. She denied that the article incited people to break the law, that it increased the attractions of illegal activity, or that it encouraged the physical expression of homosexual love for boys, and she mentioned that a book on the subject had recently been produced by a Christian publisher. She added that she disliked the article's attitude to boys but respected its sincere approach.

Smyth tried hard to break her calm response to his hostile questions. The article contains a passage about

a boy bringing another boy to the author of the article and saying, "Simon wants to get fucked." After reading the passage out, he asked: "Do you understand what it means, 'Get fucked'?" Restraining the obvious retort, she continued to reply calmly and carefully to his harassment. She said that the article was derived from a traditional disapproval of paedophilia in *Gay News*, and was a plea for understanding in such a climate, an attempt to state an unpopular view as part of fair discussion of a complex topic. Asked whether this was the right place for such discussion, she replied that it was, since the paper was produced and read by responsible people. She felt that the writer was a "disturbed person" who was asking for a "climate of honesty" within the homosexual community, just as homosexuals had done in the old days. Paedophiles were considered as the "black sheep" of the homosexual community, and it was better to give them a voice than to drive them underground.

Smyth then turned to a classified advertisement from a man describing himself as "Young, slim, boyish, into shorts, school uniform", etc., and asked what she made of it. She replied that it was obviously "a strange young man, a scoutmaster perhaps". The roar of laughter from the public gallery was quelled by the judge stating: "This is not a theatre. This is a court of law." The difference was not entirely clear.

Drabble went on to say that news in *Gay News* was "professionally and seriously presented", and that editorial attitude was "impartial and fair", unlike most of the press in this country. She felt that it was a very important organ of a significant pressure-group, and in particular she noted that the "standard of the arts pages is first-class", including "quality reviews of quality books" comparable to the better weeklies and Sunday papers. The readership of such pages would be generally "fairly highbrow". The poem appeared in the arts pages, and she was asked how readers of *Gay News* would read it; she was not allowed to give a proper answer, but before she was stopped she was able to say: "They would read it as a poem."

She was then shown an illustrated advertisement for some prints and asked whether they were obscene. She replied that they were well-known Beardsley drawings, but was again stopped when she began to say who Aubrey Beardsley was. She commented that in *Gay News* "any erotic material is high-brow rather than low-brow"—at which the judge asked: "Are there classes of eroticism?"

At the end of her evidence, the judge asked if she had children, and she said she had sons aged sixteen and twelve. He asked if she let them read anything they wanted, and she said not everything but certainly *Gay News*. He asked if they had read the poem, and she said the elder one had but the younger one couldn't be persuaded to read anything. This exchange left her contribution to the trial with a rather flippant flavour, but in general she had managed to introduce as much literary evidence as the defence could hope.

Levin insisted in cross-examination that he read the paper thoroughly though not regularly, but it became clear that he had little memory of several objectionable items Smyth raised. He was asked what he thought about an article which was announced for future publication: "I haven't read the article, so I don't know what's in it." He was asked about several articles on paedophilia which he hadn't read, and he didn't even seem to be sure of the meaning of the word.

Smyth then concentrated on a recent review article on books describing sexual techniques for homosexuals, which contained explicit illustrations from one of them.

He asked if that was responsible, and Levin replied: "I don't think explicitness is inconsistent with responsibility." The cross-examination then began to verge on farce when the judge intervened in a discussion of whether such material was necessary. "Why should homosexuals need help of this kind?" Because, said Levin, they are like anyone else in needing to know sexual techniques. "I don't know why heterosexuals should need help to know how to make love." Well, said Levin, the medical evidence was overwhelming that many of them do. "It's all beyond me, I'm afraid." Levin politely made no comment.

When Smyth suggested that the illustrations were obscene, Levin answered that, taking the legal definition of obscenity as being that which tends to deprave and corrupt, they were not obscene. After all, "a sixteen-year-old boy might or might not know anything about love-making, but he would know what his own body looks like". He added that the suppression of such material would be more irresponsible than its publication.

Smyth then turned to an advertisement for a model agency, and suggested that the word "model" meant a male prostitute. Levin replied that it might well be a genuine model agency, and the defence pointed out that the same advertisement appeared in the *Evening Standard* and came indeed from a genuine agency.

Robertson re-examined to counteract the impression of the cross-examination. Levin said that the decision to publish open discussion of paedophilia was "one of the most commendable things done by *Gay News*", in contrast to the sensational treatment of the subject in most of the press, and he added that "these are things that come from within", not from reading papers. He noted that one of the articles on the subject mentioned by the prosecution was in fact a review of a book published by the Society for Promoting Christian Knowledge.

Levin said that the news pages in *Gay News* were "responsible and serious", compared with the "hysteria and stridency" of such papers at *Time Out*, and that the arts pages gave "wide and serious coverage". He said that it had "a high standard of poetry", adding that "poetry above all is very subjective taste". In conclusion he described *Gay News* as "an enormously valuable publication", both for and about homosexuals, though not exclusively so, and "run by men of complete integrity".

There were no further witnesses for *Gay News*, and there were no witnesses at all for Denis Lemon—not even himself, since he would not have been allowed to describe his intention in publishing the poem—so the defence case came to an end.

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Before the closing speeches began, the jury asked the judge whether *Gay News* and Denis Lemon were being tried separately or together. The judge replied that they were being tried together but that there would be separate verdicts, which need not necessarily be the same for both defendants, though they would probably be so, since the evidence was the same against both of them.

Smyth's closing speech for the prosecution repeated much of his opening speech. He quickly reviewed the evidence he had called about the nature and publication of the poem, and then examined the evidence called by the defence. He argued that the character evidence about *Gay News* concerned two "side issues". The first was the readership of the paper, which was relevant to the consideration of whether the poem tended to cause a breach of the peace, but was irrelevant when it was shown that it went beyond homosexuals to journalists, writers, children, and probation officers, one of whom had indeed been outraged. The second was the character of the paper, which was irrelevant because the poem was the

same wherever it appeared, but was relevant because it forced the prosecution to mention "all the filth that there has been in *Gay News*". He said the result of the character evidence was that "the defence has sown the wind and reaped the whirlwind"; but in the end it was not the paper which was on trial so much as one item in it.

He returned to the "real issue"—the poem and illustration. He insisted that blasphemy involved an attack on God or Christ or the doctrines of Christianity and that this item was "a two-fold attack on Christ in his life and in his death", an attack too obvious to need any explanation. The person of Christ is central to Christianity, and the homosexual passages in the poem are an attack on Christianity "too obvious for words". He asked the jury to imagine how they would feel about such an accusation of homosexuality against a member of the Royal Family: "Yet Christ is not just a king, but the King of Kings."

"Beware of being bemused by the erudite and on the face of them very clever arguments of the defence." The poem is not about love, but "debases the word love". He distinguished between various kinds of love in the New Testament—"eros" or sexual love, and "agape" or human love. "Christ was fully man and capable of sexual love", but instead he had "an unselfish love for all men and women". He reaffirmed the Old Testament doctrines of sex and marriage, and never condoned or encouraged homosexuality; the Epistles of Paul went further and explicitly condemned it. In this context, "the poem makes Christ a hypocrite".

According to Christian doctrine from the very beginning, Christ was sinless, as is repeated in the fifteenth of the Thirty-Nine Articles of the Church of England. Moreover, "the death of Christ is the most sacred event in the Christian calendar", and the Cross is "central" to Christian doctrine. In this context the poem is not only an attack on Christ and Christianity, but one that outrages the feelings of ordinary sympathisers with Christianity.

There was really only one question for the jury: "Do you think that this goes too far?" The trial had "vital significance" and "tremendous importance": "This case is about whether anything is to remain sacred. If this isn't blasphemy, nothing is." He emphasised the power of the jury: "You're being asked to set the standard for the last quarter of the twentieth century." A verdict of not guilty would "open the floodgates": "The privilege of raising a banner against the tiny minority who seek to inflict this sort of thing on us and on our children belongs exclusively to you."

\* \* \*

Robertson's closing speech for the defence was a skilful attempt to answer all Smyth's points. He began with a defence of the poem as "a poem about God's love", asking why it took Kavanagh several months to notice it, why the criminal law was being used "to protect society from one man's imagination", and "what sort of society is it that uses the criminal law to suppress the artist's search for the truth". This was not a debate between two points of view, but an attempt by one side to prove the other side guilty of a serious offence beyond all reasonable doubt. There are criminal weapons of violence, such as knives and guns, but here "the weapon is alleged to be a poem", a collection of words which might "make the blood boil and shake the fabric of society".

Yet the poem was not in fact an attack, but an account of how one man found Christian love and salvation, expressed in the long tradition of Christian love poetry. "This is no lavatory limerick." A poem is a subjective thing, and its interpretation depends on the reader, but

the language of this poem is that of love rather than hate, and it is the work of a man who is not wicked but who wants to share his feelings of coming to Christ.

The task of the jury is not to set standards but to administer justice. He quoted the famous judgement of Mr. Justice Stable in the trial of Stanley Kauffmann's novel *The Philanderer* in 1954, before the Obscene Publications Act of 1959, that it is not a criminal offence merely to "shock or disgust", and that publications do not have to be restricted to "something that is suitable for the decently brought up young female aged fourteen" or "the sort of books that one reads as a child in the nursery". It is necessary to consider the normal readership of *Gay News* and the effect of the poem in that context.

He repeated that blasphemy has three essential elements—an attack on Christianity, an outrageous attack on Christianity, and a tendency to cause a breach of the peace. Unlike Gott in 1921, *Gay News* does not force the poem on to people but goes only to those who want it, so there is no danger of a breach of the peace among its readers. There is no threat to the fabric of society: "What is the fabric of our society? Tolerance." We now have a multi-racial and multi-religious society, in which we tolerate other people's opinions and the way they express them. Tolerance rather than Christianity is now the most important part of our heritage. The attitude behind *Gay News* is that of "live and let live".

Moreover, the item in question is a poem. "A poem isn't a legal contract that can be analysed word for word, or something that means what it seems to say." This poem is trying to compare divine love with human love. Here the judge interrupted to stop Robertson introducing the element of intention in the writer or the publisher, but Robertson insisted on offering a possible interpretation in opposition to that offered by Smyth. The poem is trying to show what Christ's love means to homosexuals. A poem uses metaphor—when it says that  $x$  equals  $y$ , it means that  $x$  is like  $y$ . Here the poem is giving a picture, communicating a feeling, not literally but metaphorically, that divine love is like human love, that Christ is the word made flesh.

Robertson pointed out that sexual imagery and sexual analogy were traditional in Christian poetry, though it was of course generally heterosexual, and he read out Donne's sonnet "Batter my heart, three-personed God". Christ himself used poetic language, such as the command to eat his body, which his disciples took literally as cannibalism—just as the prosecution had taken the poem literally as necrophilia.

He then went through the poem in detail offering a sophisticated but, it must be said, sophistical reading contrary to Smyth's. The centurion had officiated at the "obscene ritual" of the Crucifixion, was himself the executioner, and tries to come to terms with the fact of death through a fantasy of rebirth. Being a homosexual, he attempts to justify himself by repeating gossip about the sex-life of Jesus when alive; here Robertson quoted gossip about Jesus included in the Gospels. The fantasy brings about his conversion; and here Robertson quoted the account of the centurion's conversion included in the Gospels.

"Individuals take poetry differently—that is one of the things about poetry." The prosecution offered an interpretation of an anti-religious poem; the defence offered one of a religious poem. The former is contrary to the message of the New Testament. Paul wanted to be "all things to all men"—why not to homosexuals too? The prosecution was afraid that Christ would be the subject-matter of commercial pornography, such as the proposed Thorsen film—but "there is all the difference in the world between pornography and poetry". *Jesus*

*Christ Superstar* was acceptable, when the Thorsen film would not be; *The Myth of God Incarnate* was acceptable, when Gott's pamphlets had not been. So should "The Love That Dares To Speak Its Name" be acceptable.

In conclusion, Robertson put eight doubts about the prosecution case before the jury. The poem was not an attack on Christianity, but accepted the basic doctrines of the Crucifixion, Resurrection, and Salvation; it was written in a style which was not too outrageous for a free society, but which was poetic; it meant no danger to the peace, and had no tendency to stir up trouble; it appeared in the context of a serious homosexual paper, so it would neither surprise nor shock its normal readers; the prosecution was not what Christ would want, having no need for earthly protection; Christ is not the property of any one sect, and anyone has the right to interpret him, including homosexuals; there is a wide variation in Christian doctrines about Christ, into which the poem could find a place; if Christ is unique and unapproachable, he can be approached only by poetry and metaphor, and this poem may have meant salvation for at least one person. Was this a serious poem, or a dirty joke? If we are concerned with public decency, we should remember that toleration is itself part of public decency. "Judge not, that ye be not judged."

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Mortimer began by saying that Smyth was appearing for unknown natural and supernatural forces, and Robertson for a company without any personal existence; he alone was appearing for a human being in the dock, in peril on this antique charge. The jury was sitting in judgement on a poem which took three months to be found offensive, and on a crime which had taken three days for lawyers to discover what it is. The law hadn't been used for more than fifty years, perhaps for good reasons. "A private person has blown the dust off this law in the name of the Christian religion." The Sermon on the Mount told us to love our neighbours, but Mary Whitehouse put her neighbour in the dock.

He asked how the prosecution could benefit Christianity; this was a matter for the conscience of the prosecutors. "How easy it is to call God on your side to show disapprobation of those whose views differ from yours." But neither the Queen nor God was necessarily on the side of the prosecution, and the verdict of the jury would not set a standard. "We don't need decisions in criminal courts to tell us what standards we should have"; and the suggestion that Christianity needed a conviction was itself blasphemous. The task of the jury was to decide the guilt or innocence of a fellow creature.

He emphasised the principle of reasonable doubt which goes to the defence, especially when the prosecution is trying to limit freedom of speech in a country which has fought and suffered for such freedom. "Must controversy be limited to conversation on the vicarage lawn, or must it have room for strong and even rude language?" There were three possible reactions—certain guilt, certain innocence, or uncertainty—and uncertainty would not be surprising in "this very doubtful branch of a very complex law".

He put the prosecution into historical context, commenting that it had elevated Kirkup to the status of Paine and Shelley, when otherwise his poem would have passed unnoticed in *Gay News*. He suggested that there has been no previous prosecution for fifty-six years either because there has been no blasphemy, which seems unlikely, or because the law of blasphemy is no longer appropriate in a pluralist society, making the development of such a society more difficult.

For much of the case "it seemed as if we had been

whisked on some time-machine back into the Middle Ages", and "the wind of common sense and the voice of 1977" came only with Bernard Levin and Margaret Drabble. No one who didn't live in a world of his own or hadn't spent the past decade on a desert island would be offended by *Gay News*, unless he was determined to be offended. Even then it took Kenneth Kavanagh and Mary Whitehouse a remarkably long time to be offended.

The prosecution seemed to take the view that it was all right to be homosexual but not to practise homosexuality; but for ten years it had been legal for consenting adults to practise homosexuality in private, and many do, including Christians. "It would perhaps be blasphemous to suggest that the law of God is any less merciful than the law of man."

He turned to Christianity, making a pretence that the lawyers and jurors all knew the Bible and the Creeds and the Fathers. He pointed out that homosexuality is not actually condemned by Jesus in the Gospels. It is true that it is condemned in the Old Testament, but so is much which we now find obsolete. It is true that it is condemned by Paul in the Epistles, but they also commanded wives to obey their husbands. Most Christians accept subsequent changes in Christianity, including a change in the attitude to homosexuality. The Gospels relate that Christ mixed with outcasts and sinners, including prostitutes—and possibly including homosexuals, as imagined by the poem. It was a Bishop of the Church of England who had suggested that Jesus might himself have been homosexual, so the ideas of the poem did have authoritative sanction. At this point Mortimer managed to continue his speech until Friday evening on 8 July, making sure he would be able to resume on the Monday morning.

On 11 July Mortimer finished his closing speech, repeating much of what he had said the previous Friday in a desperate attempt to persuade the jury that the law of blasphemy should be interpreted as liberally as possible in the present age. He drew attention again to the position of Lemon in the dock, "almost a human sacrifice", and went on to say how we now live in a permissive age when, for example, Dave Allen could make jokes about God and the Church on television.

As for the poem, the jury had heard Smyth and Robertson giving opposing views, but no one could win such a debate, and there could be no single answer to the question about what the poem meant. "Poetry isn't to be dissected like a mathematical equation." As Christ spoke in allegory and parable, so does the poem. It is a dramatic monologue in the mouth of a literary character, not of the author. It expresses a personal conversion to Christianity, not a personal condemnation of it as in the poetry of Swinburne. Yet the prosecution called it an attack on Christianity; as Wilde said, "To the pure, all things are impure."

"Are we to be so plodding and literal in our interpretation, or are we sufficiently sophisticated and educated to know how a poem should be read?" Far from being blasphemous, this one is a religious poem, in the tradition of erotic symbolism for the love between God and man through the ages. The Songs of Songs seems to be a poem about physical love, but it is interpreted in the Bible as an allegory of Christ's love for the Church. The publishers of the great mystical poets of Christianity could be prosecuted for blasphemy if this poem is convicted. The whole tradition is based on the idea that God takes part in all our activity, including sexual activity, and even including homosexual activity.

He concluded by saying that the case had raised "huge questions which have obsessed mankind—religion,

poetry, freedom of speech". To say that the case was "very simple" was to echo Pontius Pilate. The conflict is not that of the Queen versus *Gay News* and Denis Lemon. It was a private prosecution versus the artist and poet who express themselves in vivid images. It was a private prosecution versus editors and publishers who want to give the best in art and poetry even if some people find it shocking. It was a private prosecution versus all of us who think freely and express ourselves strongly on great issues. It was a private prosecution versus the Christian religion, pretending that it has to be kept artificially preserved by the criminal law. Jesus said in Matthew's Gospel that "whosoever speaketh a word against the Son of Man it shall be forgiven him", and that is how a true Christian should react to this prosecution.

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The judge summed up strongly against the defence. He began by saying that this was not a court of morals but a court of law and that homosexuality between consenting adults in private had not been illegal since 1967. But then he invoked the law to protect morality. He said that blasphemy prosecutions had been infrequent since the mid-nineteenth century—quite wrongly, since there was a wave of them in the first two decades of the twentieth century—but that the blasphemy law was no more antique than the law of murder or theft. The test was not the frequency of prosecution, but the law "now, today", and the blasphemy law still existed and should not be broken. "I have no doubt about the law at all," he said; and if he was wrong he would be corrected by the Court of Appeal. It didn't matter whether the jury liked the law or not; they must enforce it, just as he must.

He then summarised the prosecution case, and said that on the face of it the poem was a blasphemous libel: "The words speak for themselves." Montefiore's suggestion that Jesus may have been a homosexual and the new book *The Myth of God Incarnate* were not blasphemous because they were expressed in decent language. After running through the important judgements up to Gott's appeal, he emphasised that the jury should consider their "first immediate reaction" to the poem and whether it aroused feelings of anger or provoked a wish for revenge. There was no need to consider the possible intention of the writer or the publisher, only to make the objective test of whether it was offensive.

He took the jury through the poem, commenting at intervals, "Just look at them!", "The ultimate in profanity", "Can you imagine anything more profane?", and asking how they would feel if it had been written about a living person. "How much more offensive is it, and how much more likely to cause a breach of the peace if it is about Christ? Could Christianity have been founded upon the teachings of a man who behaved as alleged in the poem?"

He then summarised the defence case, and threw doubt on nearly every point. He told the jury not to bother too much about Robertson's doubts, and commented on Mortimer's plea that we live in a permissive age: "Some may think we have gone far enough, that this poem goes too far; some may think there should be no limit, but if that is so, what next? There is a difference between opening a window to let in the fresh air, and leaving the window and the door open to let in a raging draught."

He concluded by repeating his definition of blasphemy, and then telling the jury to answer the following questions

about the poem: "Did it shock you when you first read it? What was your immediate reaction? Would you be proud or ashamed to have written it? Would you read it aloud to a Christian audience, and if you did would you blush? What reaction would you expect from an audience of fellow Christians?" He claimed that "the prosecution is not an attempt to crush free opinion"—threatening to clear the court after the inevitable reaction from the public gallery—and that the task of the jury was to enforce the law.

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The jury considered their verdict for five hours. After three hours they asked the judge: "What constitutes a breach of the peace to which there has to be a tendency?" The judge failed to give a straight answer, implied that a punch on the nose would do, but repeated all the legal statements about a *tendency* to a breach of the peace. An hour later the jury said they could not reach a unanimous verdict, and the judge told them to find a majority verdict of at least 10 to 2. An hour later the jury returned majority verdicts of 10 to 2 that both *Gay News* and Denis Lemon were guilty of publishing a blasphemous libel.

The judge postponed sentence until the following day. On 12 July the prosecution stated that neither the company nor the editor had previous convictions within the statutory period, and the judge read documents about both of them. In mitigation, Robertson pointed out that *Gay News* had not reprinted the poem after the offending issue, and Mortimer mentioned the position of James Kirkup and the willingness of many other distinguished people to give evidence for the defence. Lemon, asked if he had anything to say, said, "No, not at this time."

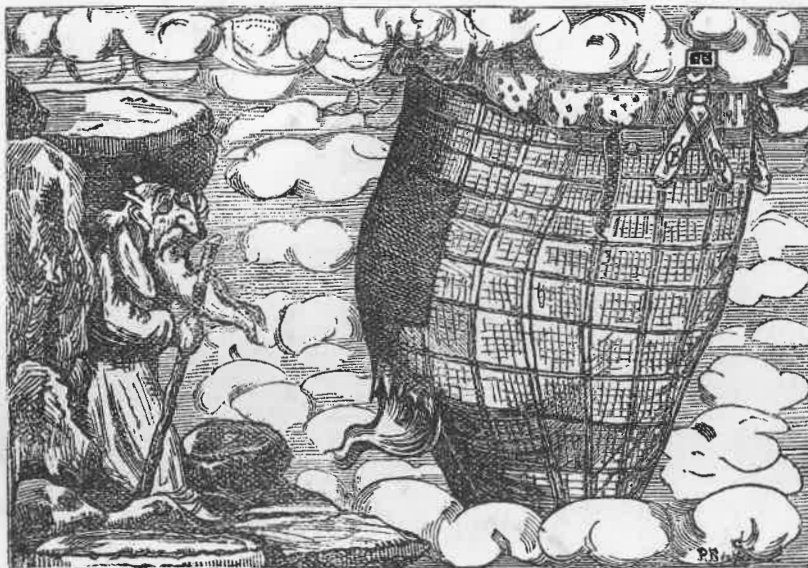
Passing sentence, the judge said that the case arose out of a blasphemy on the Christian religion, which was not only the established religion of the country, but was the religion of the overwhelming majority of the population, even if they are not all practising Christians. The defence had challenged the maximum number of jurors, but it had availed them nothing, and the majority of the jury had the "moral courage" to reach a verdict in accordance with their conscience and with good common sense. "Perhaps the pendulum of public opinion is beginning to swing back to a more healthy climate." He then condemned the poem: "I sometimes read poetry, and usually enjoy what I read, but I do not profess to be a judge of it. However, I have no doubt whatever that this poem is quite appalling, and is the most scurrilous profanity. It is past my comprehension that a man like James Kirkup can express himself in this way, and that the paper should publish it with reckless disregard for the feeling of Christians and non-Christian sympathisers."

He said it was "touch and go" whether Lemon should go straight to prison "to meet the public conscience", but instead he sentenced him to nine months' imprisonment suspended for eighteen months. He also fined him £500 (or six months' imprisonment) and fined *Gay News* £1,000, and awarded the prosecution costs against them; meanwhile the costs of the prosecution would be paid for out of public funds.

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The reaction was predictable on all sides. The poem was reprinted by more political papers—in *Socialist Challenge* on 14 July and the anarchist *Freedom* on 23 July—and further circulated in leaflet form. On 19 September William McIlroy was fined £50 with £100 costs for sending a copy through the post. The *Gay News* appeal, which was lodged in August, is expected to be heard early in 1978.

Freethinker Christmas Number.



MOSES GETTING A BACK VIEW.

*And it shall come to pass that I will put thee in a cleft of the rock, and I shall take away my hand, and thou shalt see my back parts.—EXODUS xxxiii., 23.*

PUNCH, July 13 1977



*"Did you hear someone call 'Hello Sailor!'"*